

City Council Introduction: **Monday**, September 11, 2006  
Public Hearing: **Monday**, September 18, 2006, at **1:30 p.m.**

Bill No. 06-157

## **FACTSHEET**

**TITLE: STREET & ALLEY VACATION NO. 06001**, requested by NEBCO, Inc., to vacate N.W. 6<sup>th</sup> Street and N.W. 7<sup>th</sup> Street from the south right-of-way line of Blue Sage Boulevard to 50' south of the south right-of-way line of Fallbrook Boulevard, and to vacate Fallbrook Boulevard from 175' east of Tallgrass Parkway roundabout to 50' west of Stonebrook Parkway roundabout.

**STAFF RECOMMENDATION:** A finding of conformance with the Comprehensive Plan.

**SPONSOR:** Planning Department

**BOARD/COMMITTEE:** Planning Commission  
Public Hearing: Consent Agenda: 03/15/06  
Administrative Action: 03/15/06

**RECOMMENDATION:** A finding of conformance with the Comprehensive Plan (8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes').

### **FINDINGS OF FACT:**

1. The purpose of this proposed street vacation is to change the public street to a private roadway in order to allow angled parking in association with the Fallbrook Planned Unit Development where angled parking is part of an overall concept for a Town Center.
2. The staff recommendation to find the proposed street vacation to be in conformance with the Comprehensive Plan is based upon the "Analysis" as set forth on p.2-3, concluding that the street vacation and replatting as private streets will allow for angled parking within this area and promote the Town Center character.
3. On March 15, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On March 15, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan.
5. The appraisal by the City Real Estate Division is found on p.11, recommending that the vacated right-of-way be deeded to the abutting landowner at no cost with the understanding that easements will be retained for public access and for existing and future utilities.

**FACTSHEET PREPARED BY:** Jean L. Walker

**DATE:** September 5, 2006

**REVIEWED BY:** \_\_\_\_\_

**DATE:** September 5, 2006

**REFERENCE NUMBER:** FS\CC\2006\SAV.06001

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  

---

**for MARCH 15, 2006 PLANNING COMMISSION MEETING**

**PROJECT #:** Street and Alley Vacation No.06001

**PROPOSAL:** Vacate NW 6<sup>th</sup> St. & NW 7<sup>th</sup> St. from the south right-of-way line of Blue Sage Blvd. to 50' south of the south right-of-way line of Fallbrook Blvd. and vacate Fallbrook Blvd. from 175' east of Tallgrass Pkwy. roundabout to 50' west of Stonebrook Pkwy. roundabout.

**LOCATION:** NW 6<sup>th</sup> St. and Fallbrook Parkway.

**LAND AREA:** 2.94 acres, more or less

**CONCLUSION:** The street vacation and replatting as private streets will allow for angled parking within this area and promote the Town Center character.

<b>RECOMMENDATION:</b>	Conforms to the Comprehensive Plan
------------------------	------------------------------------

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** NW 6<sup>th</sup> St. & NW 7<sup>th</sup> St. from the south right-of-way line of Blue Sage Blvd. to 50' south of the south right-of-way line of Fallbrook Blvd. and Fallbrook Blvd. from 175' east of Tallgrass Pkwy. roundabout to 50' west of Stonebrook Pkwy. roundabout.

**SURROUNDING LAND USE AND ZONING:**

North:	R-3 Residential	Single-family
South:	R-3 Residential	Undeveloped
	B-2 Neighborhood Business	Undeveloped
East:	R-3 Residential	Undeveloped
	B-2 Neighborhood Business	Undeveloped
West:	R-3 Residential	Undeveloped
	B-2 Neighborhood Business	Undeveloped

**ASSOCIATED APPLICATIONS:** Change of Zone #05085-Fallbrook Planned Unit Development

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Comprehensive Plan shows this area as Urban Residential and Commercial (F-25)

**UTILITIES:**

There are existing sanitary sewers, water mains, storm sewer, gas mains, and electrical lines within the area to be vacated. Easements must be maintained over these utilities.

**TRAFFIC ANALYSIS:** NW 6<sup>th</sup> St. and NW 7<sup>th</sup> St. are local streets. Fallbrook Parkway is a local street, however it is one of the main east-west streets through the Fallbrook development.

**ANALYSIS:**

1. The purpose of this street vacation is to change the public street to a private roadway in order to allow angled parking.

2. This street vacation is in association with the Fallbrook PUD. A condition of the PUD is to vacate Fallbrook Blvd., NW 6<sup>th</sup> St. and NW 7<sup>th</sup> St. where angled parking is shown and show them as private roadways. The angled parking is part of an overall concept for a town center.
3. There are utilities within the area to be vacated. A utility easement, as well as a public access easement shall be required over the vacated area.
4. The street vacation will leave multiple lots without street frontage. A final plat will be required to create the private roadways and dedicate easements for public use.
5. Lincoln Municipal Code Chapter 14.20 requires the City to establish the proper price to be paid for the right-of-way, as well as any amounts necessary to guarantee required reconstruction within the right-of-way. These values must be established and deposited with the City Clerk prior to scheduling the vacation request with the City Council.

**BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:**

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 Amend the petition to vacate NW 6<sup>th</sup> St. and NW 7<sup>th</sup> St. from 50' south of the south right-of-way line of Fallbrook Blvd. to the south right-of-way line of Blue Sage Blvd.
- 1.3 Correct the legal description of lots abutting vacated streets.
- 1.4 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.

Prepared by:

Tom Cajka  
Planner

**DATE:** March 1, 2006

**APPLICANT:** NEBCO Inc.  
1815 "Y" St.  
Lincoln, NE 68508

**OWNER:** same as applicant

**CONTACT:** Scott Osterhaus  
Olsson Associates  
1111 Lincoln Mall  
Lincoln, NE 68508  
(402) 474-6311

## STREET & ALLEY VACATION NO. 06001

### CONSENT AGENDA

### PUBLIC HEARING & ADMINISTRATIVE ACTION

### BEFORE PLANNING COMMISSION:

March 15, 2006

Members present: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson.

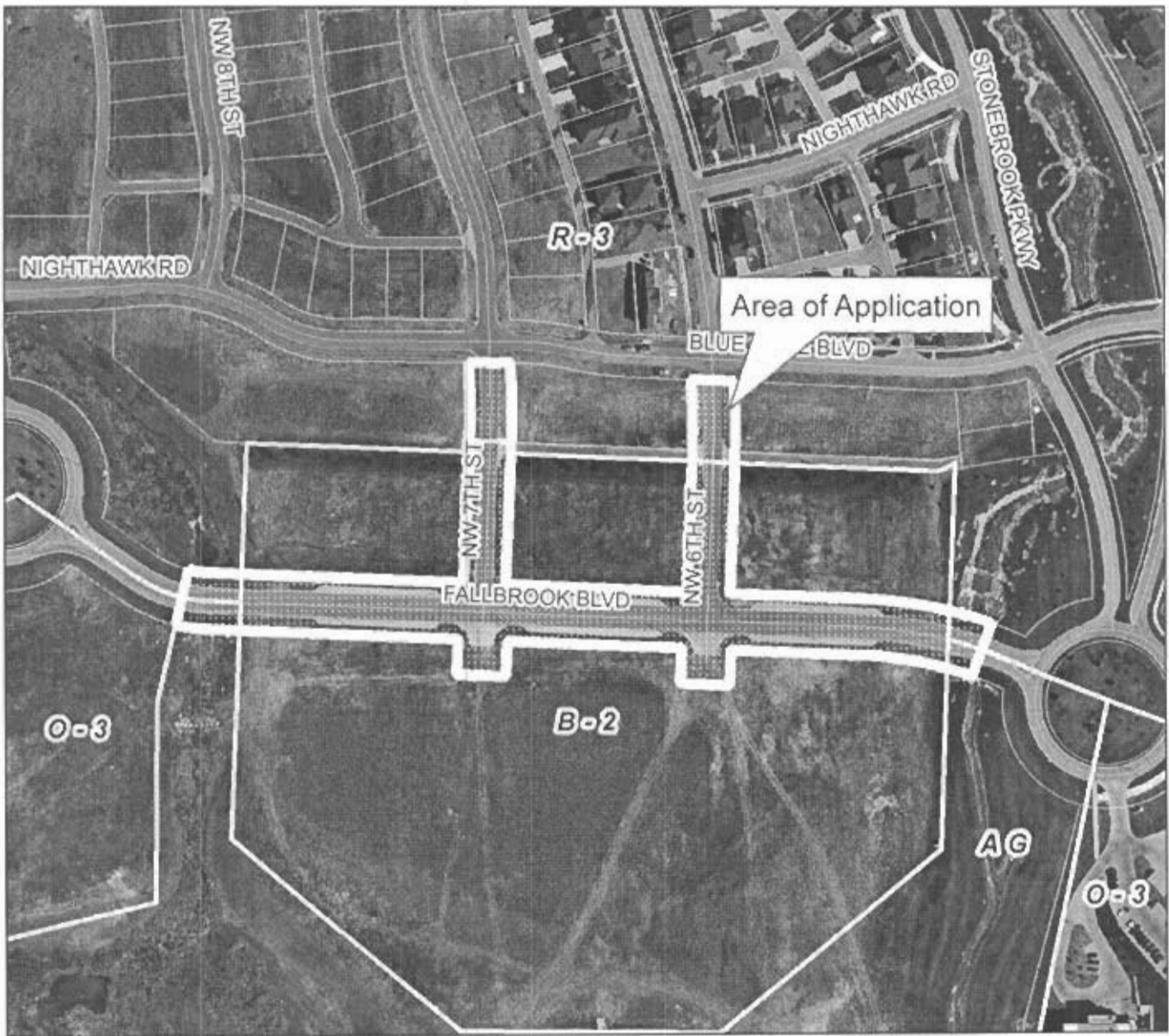
The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06013; SPECIAL PERMIT NO. 1771A; SPECIAL PERMIT NO. 06010; COUNTY SPECIAL PERMIT NO. 06007; COMPREHENSIVE PLAN CONFORMANCE NO. 06002; ANNEXATION NO. 06003; and STREET AND ALLEY VACATION NO. 06001.**

Ex Parte Communications: None.

**Items No. 1.1, Change of Zone No. 06013, and 1.4, County Special Permit No. 06007,** were removed from the Consent Agenda and had separate public hearing.

Larson moved approval of the remaining Consent Agenda, seconded by Strand and carried 8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes'.

Note: This is final action on Special Permit No. 1771A and Special Permit No. 06010, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days following the action by the Planning Commission.



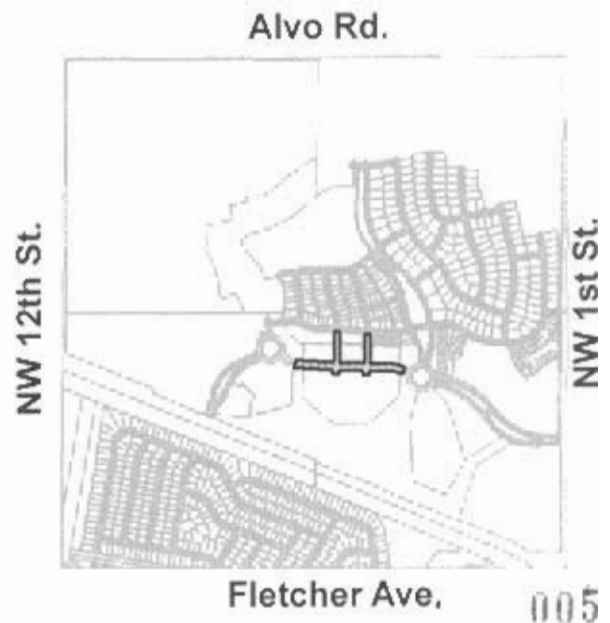
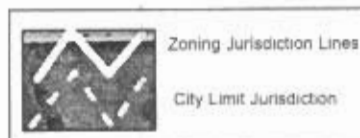
2005 aerial

## Street & Alley Vacation #06001 NW 7th St. & Fallbrook Blvd.

### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-6	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 34 T11N R6E





# M e m o r a n d u m

---

**To:** Tom Cajka - Planning  
**From:** Byron Blum - Engineering Services  
**Subject:** Vacation of a portion of Fallbrook Boulevard SAV #06001  
**Date:** February 13, 2006  
**cc:** Dennis Bartels  
Randy Hoskins

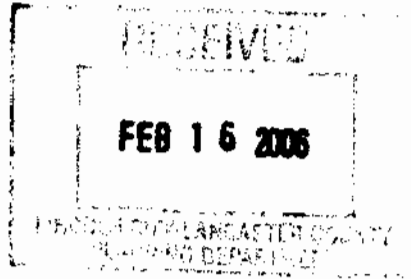
Public Works has existing sanitary sewers, water mains, and storm sewer in the area of the proposed vacation. This includes a triple 9' x 4' box culvert at the west end of the vacation and a single 9' x 4' box culvert at the east end of the vacation. Permanent easements would be required for the sanitary sewers and water mains. The storm sewers, including the box culverts, would become private systems and the responsibility of the petitioner.

Public Works recommends that the proposed vacations of Northwest 6th and Northwest 7th Streets be extended north to the south line of Blue Sage Boulevard. Petitions need to be revised to include the additional frontage. The west end of the Fallbrook Boulevard vacation is shown to end 175' short of the roundabout rather than 50' that was recommended to the applicant by Public Works. Public Works still recommends 50' but would accept 175' as shown if the owner to the south will not sign the petition.

As a condition of approval of this proposed vacation, the petitioner should be required to be responsible for the maintenance (paving repair, snow removal, etc.) of Fallbrook Boulevard from the roundabout on the west end to the roundabout on the east end including the stub right-of-way at the roundabouts. The street name signs would need to be replaced to indicate the private roadways. It is estimated that new street signs would cost \$700.



Aquila



Aquila Networks  
P. O. Box 83008  
Lincoln, NE 68501-3008

February 14, 2005

Tom Cajka  
City-County Planning Department  
555 So. 10<sup>th</sup> Street  
Lincoln, NE. 68508

RE: Request to vacate the following:

Street & Alley Vacation No. SAV 06001  
A Portion of Fallbrook Boulevard

Dear Mr. Cajka:

Per your request, I have reviewed the above referenced street & alley vacation with concern toward natural gas facilities. A four-inch natural gas main occupies the south right-of-way of Fallbrook Boulevard throughout the proposed vacation at thirty-eight feet south of centerline. There is also a segment of two-inch main on NW 6<sup>th</sup> Street that may extend into this proposed vacation. See the attached map that displays the general vicinity of these gas facilities in relation to the proposed right-of-way.

Aquila objects to this proposed street vacation, unless an easement is established as part of this vacation to include the gas mains.

If you have any concerns regarding this letter, please call me at my office. My phone number is 4371715.

Sincerely Yours,

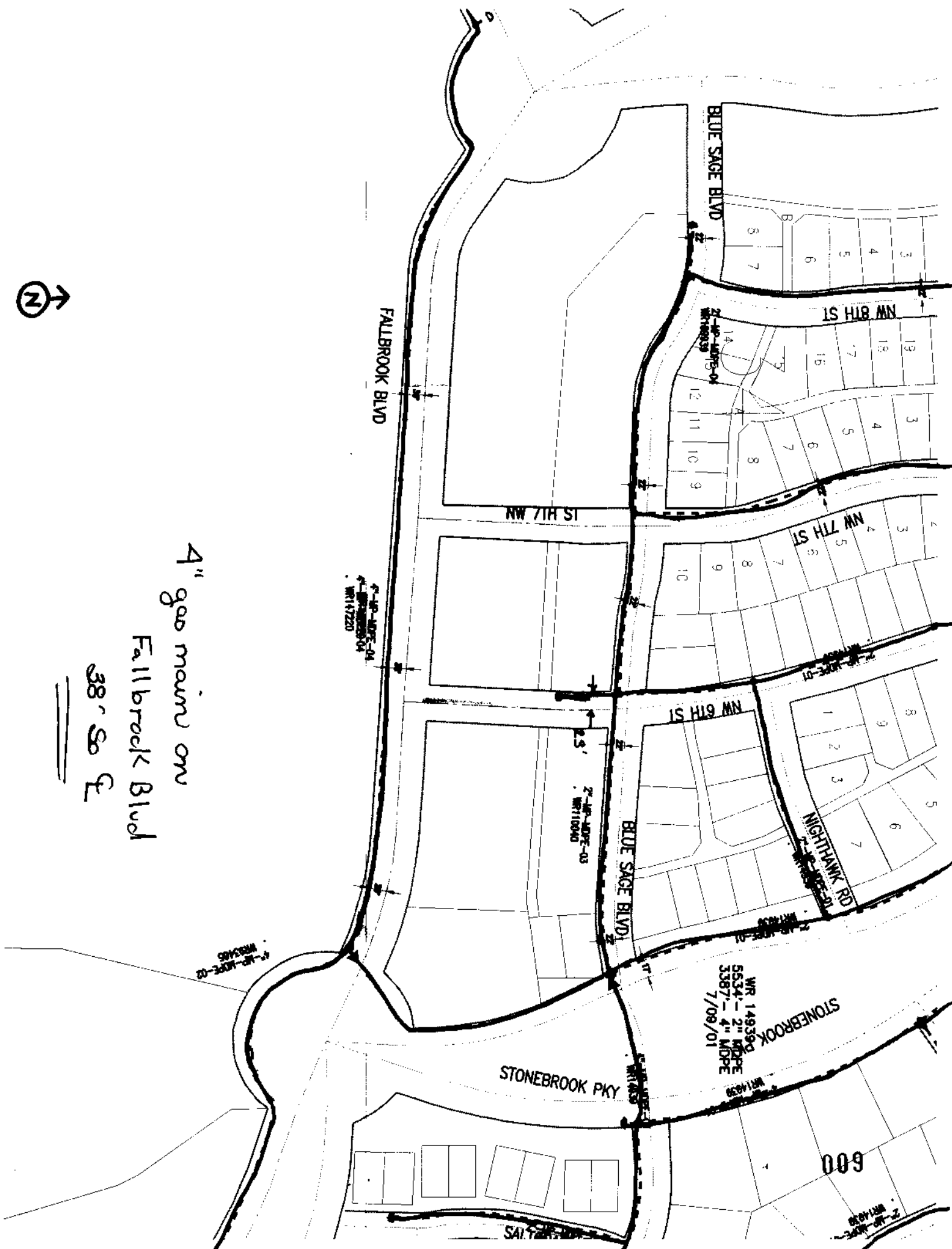
Randy Kreifels  
Construction Coordinator





4" gas main on  
Fallbrook Blvd

38' So E





**OLSSON ASSOCIATES**  
ENGINEERS • PLANNERS • SCIENTISTS • SURVEYORS

February 7, 2006

Mr. Marvin Krout, Planning Director  
Lincoln-Lancaster County Planning Department  
555 South 10<sup>th</sup> Street, Room 213  
Lincoln, NE 68508

Re: Fallbrook  
Petition to Vacate Public Way  
OA Project No. 2001-0577

Dear Mr. Krout:

Enclosed find the following documents for the above-mentioned project:

1. Petition to Vacate Public Way form
2. Information Sheet
3. Application Fee (\$125.00)
4. Right-of-Way Vacation Exhibit

On behalf of the abutting owner, Nebco, Inc., 1815 Y Street Lincoln, Nebraska 68508 we are requesting to vacate a portion of Fallbrook Blvd., NW 6<sup>th</sup> Street and NW 7<sup>th</sup> Street right-of-way as outlined in the enclosures. It is agreeable to the abutting property owner to grant a public utility/access easement over the existing public utilities within the right-of-way to be vacated.

It is the intent of Nebco, Inc. to purchase the proposed vacated right-of-way and use the existing pavement as private roadways.

Please call, if you require further information or have any questions.

Sincerely,

Scott Osterhaus

Enclosures

cc Tim Mettenbrink, Nebco, Inc.

010

## INTEROFFICE MEMORANDUM

TO: Mayor Seng  
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Housing Rehab & Real Estate Division

ATTENTION:

DATE: August 23, 2006

COPIES TO: Teresa J. Meier  
Marvin Krout  
Dana Roper  
Byron Blum

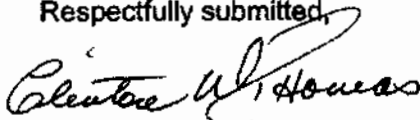
SUBJECT: Street & Alley Vacation No. 06001  
Fallbrook Boulevard

A request has been made to vacate a portion of Fallbrook Boulevard between Tallgrass Parkway and Stonebrook Parkway as well as NW 6<sup>th</sup> Street and NW 7<sup>th</sup> Street between Fallbrook Boulevard and Blue Sage Boulevard. The area was viewed and appears as a completed development. There are asphalt streets with curb and gutter, lighting, and utilities already in place on the areas to be vacated. The Planning Department has indicated the streets will remain in place with easements retained for public access as well as easements for the maintenance and operation of any existing and future utilities which might be or need to be placed in the area.

Since the area will remain accessible to all of the public's needs and the abutting landowner will be responsible for maintenance and upkeep of the streets, it would seem to be in the City's best interest to approve the street vacation and deed the land to the abutting property owner at no cost.

Therefore, it is recommended if the streets are to be vacated they be deeded to the abutting landowner at no cost with the understanding that easements will be retained for public access and for existing and future utilities.

Respectfully submitted,



Clinton W. Thomas  
Certified General Appraiser #990023

dge